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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

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15 DAVID E. LIPTON and DANA F.  
16 THIBEDEAU, individually and on behalf of all  
17 others similarly situated,

18 Plaintiffs,  
19 v.

20 INTEL CORPORATION, a Delaware  
21 Corporation,

22 Defendant.

No. 05-2669

MOTION FOR ADMINISTRATIVE  
RELIEF TO CONSIDER WHETHER  
CASES SHOULD BE RELATED

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24 Pursuant to Civil L.R. 3-12(b), Defendant Intel Corporation (“Intel”) hereby  
25 notifies the Court and all counsel of its belief that the following are “related cases” to the above-  
captioned case within the meaning of Civil L.R. 3-12(a): (1) *Jose Juan et al v. Intel Corp.*, No.  
C-05-3271 (N.D. Cal., filed August 10, 2005) (“Juan”); (2) *Dressed To Kill Custom Draperies,  
LLC et al. v. Intel Corp.*, No. C-05-3272 (N.D. Cal., filed August 10, 2005) (“Dressed To Kill”);  
(3) *Tracy Kinder et al. v. Intel Corp.*, No. C-05-3273 (N.D. Cal., filed August 10,  
2005)(“Kinder”); and (4) *Edward Rush, et al v. Intel Corp.*, No. C-05-3277 (N.D. Cal., filed  
August 11, 2005)(“Rush”).

26 This administrative motion is made on the grounds that the plaintiffs in *Juan*,

Case No. 05-2669

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RELATED CASES MOTION

**1** *Dressed To Kill, Kinder, and Rush* filed substantially similar class action complaints against the  
**2** same defendant (Intel) and allege essentially the same antitrust conduct. Twenty-one class action  
**3** complaints alleging similar conduct against Intel have already been found by this Court to be  
**4** related to the above-captioned case. *See Related Cases Orders*, signed July 27, 2005, and August  
**5** 12, 2005. Relating these cases pursuant to Civil L.R. 3-12 will advance the convenience of the  
**6** parties, witnesses and counsel, will avoid the risk of duplicative or inconsistent rulings, orders,  
**7** and judgments and will serve the interests of justice.

8                           Accordingly, Intel respectfully submits that the assignment of these actions to a  
9 single judge will conserve judicial resources and promote an efficient determination of the  
10 actions. A proposed order accompanies this motion.

**11** DATED: September 22, 2005

## BINGHAM McCUTCHEN LLP

15 By: /s/ Joy K. Fuyuno  
16 Joy K. Fuyuno  
Attorneys for Defendant  
17 Intel Corporation

**18** DATED: September 26, 2005

DRUMMOND & ASSOCIATES

22 By: /s/ Donald F. Drummond  
23 Donald F. Drummond  
Attorneys for Plaintiffs  
24 Jose Juan; Dressed To Kill Custom Draperies  
LLC; Tracy Kinder; and Edward Rush

**[PROPOSED] RELATED CASE ORDER**

A Motion for Administrative Relief to Consider Whether Cases Should be Related (Civil L.R. 3-12) has been filed. As the judge assigned to the above-captioned case, I find that the more recently filed case(s) that I have initialed below are related to the case assigned to me, and such case(s) shall be reassigned to me. Any cases listed below that are not related to the case assigned to me are referred to the judge assigned to the next-earliest filed case for a related case determination.

C-05-3271 EMC      Jose Juan, et al. v. Intel Corporation

I find that the above case is related to the case assigned to me.\_\_\_\_\_

C-05-3272 JL      Dressed to Kill Custom Draperies, LLC, et al. v. Intel Corporation

I find that the above case is related to the case assigned to me.\_\_\_\_\_

C-05-3273 EMC      Tracy Kinder, et al. v. Intel Corporation

I find that the above case is related to the case assigned to me.\_\_\_\_\_

C-05-3277 EDL      Edward Rush, et al. v. Intel Corporation

I find that the above case is related to the case assigned to me.\_\_\_\_\_

**[PROPOSED] ORDER**

Counsel are instructed that all future filings in any reassigned case are to bear the initials of the newly assigned judge immediately after the case number. Any case management conference in any reassigned case will be rescheduled by the Court. The parties shall adjust the dates for the conference, disclosures and report required by FRCivP 16 and 26 accordingly. Unless otherwise ordered, any dates for hearing noticed motions are vacated and must be renoticed by the moving party before the newly assigned judge; any deadlines set by the ADR

1 Local Rules remain in effect; and any deadlines established in a case management order continue  
2 to govern, except dates for appearance in court, which will be rescheduled by the newly assigned  
3 judge.

4 DATED: \_\_\_\_\_, 2005

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6 Honorable Marilyn H. Patel

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